

### **III. Water Quality Listings by Category**

#### **B. Overview of Category 4A – Water has a TMDL**

When data show that a characteristic use is impaired by a pollutant, but a TMDL addressing that impairment has already been developed and been approved by EPA, the waterbody segment will be placed in the *Has a TMDL* category. A 303(d) listing is not required because the primary purpose of a listing – to lead to preparation and implementation of a TMDL – has already been achieved. This will not include cases when EPA has disapproved the TMDL and not yet adopted a federal TMDL, nor when Ecology determines that the TMDL is not being successfully implemented. Progress on water quality improvements is an essential element in a successful TMDL. This category is not part of the 303(d) list.

Once a TMDL is approved, the assumption will be that the analysis and implementation measures included in it will be successful in bringing about improvements to water quality as needed to reach compliance within the time period scheduled in the TMDL. To make a determination that a TMDL is unsuccessful will require convincing evidence to the contrary. Considerations that may lead to such a determination include:

- Targeted water quality standards, including interim measures of progress toward them, have not been achieved by the time projected by the TMDL
- Required monitoring and other implementation actions as described in the Detailed Implementation Plan or elsewhere in the TMDL are not being conducted or not being conducted in a timely and effective way according to the plan
- A major event has dramatically changed the local conditions on which the TMDL was based, making it no longer applicable, or
- New information, that is recognized in the appropriate professional fields and applicable to the specific TMDL and conditions, is not being used as part of an adaptive management process

Specific quantitative criteria for determining the success of a TMDL will be based on the approved targets within the TMDL itself. A TMDL will be considered successful so long as an adaptive management process is being fully used to respond to new information or changed conditions and progress on water quality improvement is being made.

All segments covered by existing TMDLs will be reviewed during each assessment cycle. At some future date, either during or between assessment cycles, if Ecology determines that a TMDL is unsuccessful due to either implementation problems or lack of progress on water quality improvement, then, in consultation with EPA, the waterbody segment will be returned to the 303(d) list. Likewise, when a TMDL is approved by EPA for a segment on the 303(d) list, that segment will be moved to the *Has a TMDL* category,

without waiting for the next assessment cycle. The rationale for moving the segment will need to be explained and documented.

In a future assessment cycle, if data indicate that the water is no longer impaired, then the segment will be placed in the *Meets Tested Standards* category. (This will not necessarily end further implementation of the TMDL. That will be determined by the terms of the TMDL.) If a TMDL has been declared completed and implementation has ended, but at that time or later the water is again shown to be impaired, then the segment will be returned to the 303(d) list.

If a TMDL has been developed and approved to address the impairment of one waterbody segment, a second segment is later determined to be impaired from the same sources, and Ecology determines that the TMDL for the first segment will also fully address the impairment of the second, then the second segment will also be placed in the *Has a TMDL* category.